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DOCKET NO. PRES06-00187
Customer No. 23990

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : GENE W. ZDENEK ET AL
U.S. Serial No. : 09/863,006
Filed : May 22, 2001
For : SCLERAL EXPANSION DEVICE HAVING DUCK BILL
Group No. : 3738
Examiner : D. Nguyen

Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Request for Interference Under 37 C.F.R. § 1.604; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Commissioner for Patents, Washington, D.C. 20231, on May 21, 2002.

Date:

5/21/02

Mailers

Kathy Longenecker

Date:

May 21, 2002

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PATENT

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Sir:

REQUEST FOR INTERFERENCE UNDER 37 C.F.R. § 1.604

Pursuant to 37 C.F.R. § 1.604, an interference is requested between the above-identified application and application serial number 09/650,584 ("the '584 application") filed August 30, 2000 by Harold N. Straub and entitled "OPHTHALMIC DEVICE AND METHOD OF MANUFACTURE AND USE."

Requester proposes the following count(s):

Count I – The patentable invention defined by claims 1 and 10–12 of the above-identified application. This count corresponds to claims 1 and 10–12 of the above-identified application and is believed to correspond to claim 1 of the '584 application;



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U.S. SERIAL No. 09/589,626
PATENT

Count II – The patentable invention defined by claims 2 and 13–14 of the above-identified application. This count corresponds to claims 2 and 13–14 of the above-identified application and is believed to correspond to claims 2–4 of the '584 application;

Count III – The patentable invention defined by claims 3 and 15 of the above-identified application. This count corresponds to claims 3 and 15 of the above-identified application and is believed to correspond to claim 7 of the '584 application;

Count IV – The patentable invention defined by claims 4 and 16 of the above-identified application. This count corresponds to claims 4 and 16 of the above-identified application and is believed to correspond to claim 8 of the '584 application;

Count V – The patentable invention defined by claims 5 and 17 of the above-identified application. This count corresponds to claims 5 and 17 of the above-identified application and is believed to correspond to claim 11 of the '584 application;

Count VI – The patentable invention defined by claims 6 and 18 of the above-identified application. This count corresponds to claims 6 and 18 of the above-identified application and is believed to correspond to claim 12 of the '584 application;

Count VII – The patentable invention defined by claims 7 and 19 of the above-identified application. This count corresponds to claims 7 and 19 of the above-identified application and is believed to correspond to claim 16 of the '584 application; and

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ATTORNEY DOCKET NO. PRES06-00187
U.S. SERIAL NO. 09/589,626
PATENT

Count VIII – The patentable invention defined by claims 8–9 and 20 of the above-identified application. This count corresponds to claims 8–9 and 20 of the above-identified application and is believed to correspond to claim 17–22 of the '584 application.

An interference is necessary to determine priority of invention between the inventors of the respective applications, both of which are believed to claim the same patentable invention. Application serial number 09/650,584 is believed to claim an invention which is the same as, or obvious over, the invention claimed in the above-identified application. The invention claimed in claims 1–20 of the above-identified application is believed to be patentable over the prior art.


If any issues arise, or if the Examiner has any questions, Requester respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at wmunck@davismunck.com.

The Commissioner is hereby authorized to charge any fees required in connection with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: May 21, 2002



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